

**Amendment and Response**

Applicant: Horst Groeninger

Serial No.: 10/598,052

Filed: September 10, 2008

Docket No.: I431.172.101/FIN574PCT/US

Title: TEST APPARATUS FOR TESTING SEMICONDUCTOR DEVICE, AND METHOD FOR TESTING THE SEMICONDUCTOR DEVICE

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed August 31, 2009. Claims 1-24 have previously been cancelled without prejudice. Claims 25-37 have been allowed. Claims 38 and 48 were rejected. Claims 39-47 have been objected to. With this Response, claim 39 has been amended, and claims 38 and 48 have been cancelled without prejudice. Claims 25-37 and 39-47 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 112**

Claim 48 was rejected under 35 U.S.C. 112, second paragraph.

With this Response, claim 48 has been cancelled without prejudice.

**Claim Rejections under 35 U.S.C. § 102**

Claims 38 and 48 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5701085 to Malladi et al. (“Malladi”) and by US Patent No. 6034426 to Patel et al. (“Patel”).

With this Response, claims 38 and 48 have been cancelled without prejudice.

**Allowable Subject Matter**

Claims 25-37 are allowed.

Claims 39-47 were objected to for being dependent upon a rejected base claim, but indicated as being allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

With this Response, claim 39 has been rewritten in independent form including all limitations of the base claim and any intervening claims. As such, Applicant submits that independent claim 39 is in form for allowance over the art of record. Allowance of independent claim is respectfully requested.

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Since claims 40-47 depend directly or indirectly from and further define allowable independent claim 39, Applicant respectfully requests allowance of dependent claims 40-47 as well.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 25-37 and 39-47 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 25-37 and 39-47 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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SED/GAK:cjs

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